

Unofficial Document

Amend printed copy of **SB 4/SCS 1**

On page 15, after line 15 insert:

"➔SECTION 30. A NEW SECTION OF KRS CHAPTER 216C IS CREATED TO READ AS FOLLOWS:

Notwithstanding any provision of this chapter to the contrary, a plaintiff shall be privileged to waive the medical review panel process created in this chapter if the facts underlying the cause of action involve any of the following:

- (1) Surgery or other invasive procedure performed on the wrong body part;**
- (2) Surgery or other invasive procedure performed on the wrong patient;**
- (3) Wrong surgical or other invasive procedure performed on a patient;**
- (4) Unintended retention of a foreign object in a patient after surgery or other procedure;**
- (5) Intraoperative or immediately postoperative or postprocedure death in an American Society of Anesthesiologists Class I patient;**
- (6) Patient death or serious injury associated with the use of contaminated drugs, devices, or biologics provided by the health care setting;**
- (7) Patient death or serious injury associated with the use or function of a device in patient care, in which the device is used for functions other than as intended;**
- (8) Patient death or serious injury associated with intravascular air embolism that occurs while being cared for in a health care setting;**

Amendment No. SFA 15

Rep. Sen. Ray S. Jones II

Committee Amendment

Signed: _____

Floor Amendment

LRC Drafter: Trebelhorn, Matt

Adopted: _____

Date: _____

Rejected: _____

Doc. ID: XXXX

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- (9) Discharge or release of a patient or resident of any age, who is unable to make decisions, to other than an authorized person;
- (10) Patient death or serious disability associated with patient elopement or disappearance;
- (11) Patient suicide, attempted suicide, or self-harm resulting in serious disability, while being cared for in a health care facility;
- (12) Patient death or serious injury associated with a medication error, including errors involving the:
- (a) Wrong drug;
 - (b) Wrong dose;
 - (c) Wrong patient;
 - (d) Wrong time;
 - (e) Wrong rate;
 - (f) Wrong preparation; or
 - (g) Wrong route of administration;
- (13) Patient death or serious injury associated with unsafe administration of blood products;
- (14) Maternal death or serious injury associated with labor or delivery in a low-risk pregnancy while being cared for in a health care setting;
- (15) Death or serious injury of a neonate associated with labor or delivery in a low-risk pregnancy;
- (16) Artificial insemination with the wrong donor sperm or wrong egg;
- (17) Patient death or serious injury associated with a fall while being cared for in a health care setting;
- (18) Any stage 3, stage 4, or unstageable pressure ulcers acquired after admission or presentation to a health care facility;
- (19) Patient death or serious disability resulting from the irretrievable loss of an irreplaceable

- biological specimen;
- (20) Patient death or serious injury resulting from failure to follow up or communicate laboratory, pathology, or radiology test results;
- (21) Patient or staff death or serious disability associated with an electric shock in the course of a patient care process in a health care setting;
- (22) Any incident in which a line designated for oxygen or other gas to be delivered to a patient contains no gas, the wrong gas, or is contaminated by toxic substances;
- (23) Patient or staff death or serious injury associated with a burn incurred from any source in the course of a patient care process in a health care setting;
- (24) Patient death or serious injury associated with the use of restraints or bedrails while being cared for in a health care setting;
- (25) Death or serious injury of a patient or staff associated with introduction of a metallic object into the MRI area;
- (26) Any instance of care ordered by or provided by someone impersonating a physician, nurse, pharmacist, or other licensed health care provider;
- (27) Abduction of a patient/resident of any age;
- (28) Sexual abuse/assault on a patient within or on the grounds of a health care setting; or
- (29) Death or significant injury of a patient or staff member resulting from a physical assault that occurs within or on the grounds of a health care setting."